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10/758,227	01/16/2004	Masafumi Masuda	247863US90	5743

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EXAMINER

HUYNH, NAM TRUNG

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2617

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10/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 6/18/2008. Of the previously presented claims 1-3; claims 4-16 have been added.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/9/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 4-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Karjalainen (US 2002/0176438).

Regarding claim 4, Karjalainen teaches a radio control device for controlling a plurality of base stations, comprising (paragraphs 21, 29):

a plurality of channelization code selection means for sequentially selecting a channelization code for a mobile station from a first set of channelization codes or a

second set of channelization codes, one of said channelization code selection means associated with a respective one of a plurality of frequency bands (paragraphs 21, 23);

determination means for determining whether to select a channelization code from the second set of channelization codes if selection from the first set of channelization codes was not successful (paragraph 24); and

control means for controlling the plurality of channelization code selection means to select a channelization code from the second set of channelization codes if selection from the first set of channelization codes was not successful (paragraph 24).

Regarding claims 5 and 12, Karjalainen teaches each frequency band is associated with a plurality of channelization code trees generated by OVSF (Orthogonal Variable Spreading Factor), and

the first set of codes is a first code tree and the second set of codes is a second code tree (paragraphs 24-27).

Regarding claims 6 and 13, Karjalainen teaches the plurality of frequency bands are each assigned to a respective cell (paragraph 29 and figure 3; the RNC allocates codes for respective base stations).

Regarding claims 7 and 14, Karjalainen teaches the plurality of frequency bands are each assigned to a respective sector (paragraph 23).

Regarding claims 8 and 15, Karjalainen teaches at least two cells overlap in space (figure 3).

Regarding claims 9 and 16, Karjalainen teaches the first set of channelization codes is a set of primary codes and the second set of channelization codes is a set of secondary codes (paragraphs 21, 24).

Regarding claims 10 and 11, the limitations are rejected as applied to claim 4.

Response to Arguments

4. Applicant's arguments with respect to claims 4-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
10/10/08